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SH2334807/FO2369861

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OFFICER INVOLVED SHOOTING FORM

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 11/07/14	Bureau/Station/Facility: Century Station	Admin. Invest.? ☐	Hit? ☑

Incident Information

URN: 013-07722-2171-013	Date: 05/18/13 Time: 2112 hours
City or Station: Century Station	Nature of Incident: Deputies attempted to stop the suspect for bicycle violations. Suspect did not comply with orders, fought with deputies and brandished a handgun. Suspect was shot twice.
Location: [redacted] Miramonte Boulevard Los Angeles	

Location Type (check one or more):
☑ Backyard
☐ Beach
☐ Business
☐ Freeway
☐ Industrial
☐ Park
☐ Parking Lot
☐ Residence
☐ Rural
☐ School
☐ Street
Other:

Lighting (check only one):
☑ Darkness
☐ Daylight
☐ Other
☐ Street Lights

Weather (circle only one):
☑ Clear
☐ Cloudy
☐ Fog
☐ Rain

Distance: 0 feet (contact shots)

Incident Type (check one or more):
☐ Accidental
☑ Armed Person
☑ Fleeing Suspect
☐ Foot Pursuit
☐ Gun Take Away
☐ Moving Vehicle
☐ Sniper/Ambush
☐ Startle
☑ Struggle Involved
☐ Traffic Stop
☐ Unarmed Person
☐ Unintentional
☐ Vehicle Pursuit
☐ Warrant Service
☐ Warning Shot
Other: Attempted Lynching

Initiated by (check only one):
☐ Arrest Warrant
☐ Call
☑ Observation
☐ One Person Unit
☐ Other
☐ Search Warrant
☐ Two Person Unit

Prior Activity (check only one):
☐ Detective
☐ Inmate Transport
☐ Other
☑ Routine Patrol

Aero Unit? ☑ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (check only one)	ShiftType (check only one)
[redacted]	Martinez	Salvador	A.	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
[redacted]	Gomez	Saul	A.	☐ EM ☑ PM ☐ Day	☑ Regular ☐ Overtime ☐ Off Duty
				☐ EM ☐ PM ☐ Day	☐ Regular ☐ Overtime ☐ Off Duty

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	N/A	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(check one or more)
[redacted]	Veloz	Oscar	E.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting
[redacted]	Ruiz	Francis	R.	☑ On Duty ☐ Present during shooting ☐ Witness to shooting ☐ Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Espeleta	Francis	G.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Deeds	Todd	R.

PSTD Use Only

SH # 2334807

Officer Involved Shooting
Involved Employee Information

URN: 013-07722-2171-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Barrios	First Name: Oscar	M.I.: S.
Sex: M Race: H	Rank: Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): Century Station) 217D/P
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 8	[redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 601 Weight: 250			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9MM # Shots: 1		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E 2

Employee # [redacted]	Last Name: [redacted]	First Name: [redacted]	M.I.: [redacted]
Sex: M Race: H	Rank: Bonus I	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 217D/P
ShiftTime (*circle only one*): ☐ EM ☑ PM ☐ Day	ShiftType (*circle only one*): ☑ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☑
Hrs of sleep prior to shooting: 8	[redacted]	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☑ Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 602 Weight: 220			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted] Prior Shootings? [redacted]	Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9MM # Shots: 1		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank:	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): ☐ EM ☐ PM ☐ Day	ShiftType (*circle only one*): ☐ Regular ☐ Overtime ☐ Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): ☐ Plain Clothes no Vest ☐ Plain Clothes w/ Vest ☐ Raid Jacket no Vest ☐ Raid Jacket w/ Vest ☐ Uniform no Vest ☐ Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit: Prior Shootings? ☐	Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber: # Shots:		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Officer Involved Shooting
Suspect Information

URN: 013-07722-2171-013

Suspect Information

S 1

Last Name: Laffitte		First Name: Terry	M.I. nmn
AKA Last Name: Cotton		First Name: Randy	M.I. T.
Sex: M Race: B	Street Address: [redacted]	City [redacted]	[redacted]
Work Phone: N/A	Home Phone: N/A	Social Se[redacted]	Driver's Li[redacted]
Age: 50 D.O.B. 10/10/63	Height: 603 Weight: 275	FBI # [redacted]	CII # [redacted]
Booking # N/A	Primary Charge: N/A	Secondary Charge:	
Coroner Case? ☑	Coroner Case # 2013-03629	Intoxication/Drug Usage? ☑	Substance Used: alcohol, marijuana, tramadol
Armed? ☑	Apprehended? ☑	[redacted]	Criminal History [redacted]
Vehicle Make N/A		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

Officer Involved Shooting

URN: 013-07722-2171-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
05/18/13	2314 hours	11/10/14	

Employee #	Last Name	First Name	M.I.
[redacted]	Bracken	Sonja	M.
[redacted]	Lopez	Mark	A.
[redacted]	Libertone	Patrick	L.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(SS) SIG Sauer
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1, E2	UC, RS					NN	
S1	E1	PH					BR	FA
E2	S1	PH					NN	FA
E1	S1	CT					NN	
S1	E1, E2	TD					AB, AB	EL, KN
E2	S1	CR					NN	
E1	S1	SP					NN	
S1	E1	RS					NN	
E1	S1	CT					NN	
S1	E1, E2	FH	SW	38			NN	
E1	S1	FH	BR	9	Y	Y	GS	LE
E2	S1	FH	BR	9	Y	Y	GS, DH	HE

SUPERVISOR'S USE OF FORCE REPORT

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 014-07722-2171-013 | Date: 05/18/13 | Time: 2112 hours

Location: [redacted] Miramonte Boulevard | City or Station: Los Angeles

Bureau/Station/Facility: Century Station | Admin. Investigation: ○ YES ◉ NO

Type of Force: Personal weapons (kick)

Incident Category: ○1 ◉2 ○3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ○ YES ◉ NO

☐ Call ☒ Observation ☐ Detail ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉YES ○ NO | Person Notified: Lt. Libertone | Emp: 218082 | IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	Deputy

Sex: ◉ M ○ F | Race: [redacted] | Height: [redacted] | Weight: [redacted] | Age: [redacted] | Shift: ○ EM ○ Day ◉ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Century Station | Work Assignment (Unit #, Module, etc.): 217D/P

Individual Force Used: Kick to the stomach | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ◉2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E_

Employee #	Last Name	First Name	Middle I.	Rank

Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○1 ○2 ○3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Veloz	Oscar	E.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Bracken	Sonja	M.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Deeds	Todd	D.	Lt.

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #:

Ernest E. Chavez | [redacted]

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

014 - 07722 - 2171 - 013

Suspect Information

S 1

Last Name	First Name	Middle Name	Armed? Select
[redacted]	[redacted]	nmn	Not Armed

AKA Last Name	First Name	Middle Name

Sex:	Race:	Age:	Height:	Weight	D.O.B:	Phone #1: ○ H ○ W ◉ C	Phone #2: ○ H ○ W ○ C
○ Male ◉ Female	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	N/A

Street Address:	City:	State & Zip Code:
Ika [redacted]	Los Angeles	CA. 90001

Booking #: N/A Primary Charge Code: Not Charged Secondary Charge Code: ☒ Criminal History

Treated on Scene? ○ YES ◉ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: 05/19/14 Time: 0240hrs ☒ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name	First Name	Middle Name

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address:	City:	State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name	First Name	Middle Name	Armed? Select

AKA Last Name	First Name	Middle Name

Sex:	Race:	Age:	Height:	D.O.B.	Weight:	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address:	City:	State & Zip Code:

Booking #: Primary Charge Code: Secondary Charge Code: ☐ Criminal History

Treated on Scene? ○ YES ○ NO By: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐ User's guide provides direction on this entry

By: ______ Address: ______ Phone #: ______

Under Influence: ○ YES ○ NO Substance: ______ 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: Time: ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

014 - 07722 - 2171 - 013

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
lka [redacted]	[redacted]	[redacted]	[redacted]	N/A

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	90001	[redacted]	N/A

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	nmn	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
lka [redacted]	Los Angeles	90001	[redacted]	N/A

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

014 - 07722 - 2171 - 013

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
[redacted]	S#1	Zabala	E#1	UC, PH	NN	
Zabala	E#1	[redacted]	S#1	PK	NN	AD

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

DEPUTY INVOLVED HIT SHOOTING (Suspect Deceased)
Category II Use of Force (Personal Weapon-kick)

UNIT:	Century Station
DATE:	May 18, 2013, Saturday
TIME:	2112 hours
LOCATION:	[redacted] Miramonte Boulevard, Los Angeles 90001
URN#:	013-07722-2171-013
IAB#:	SH2334807/FO2369861

Opening Statement
On Saturday, May 18, 2013, Internal Affairs Bureau investigators responded to an incident command post established by Century Station personnel on Compton Avenue and Gage Boulevard. Sergeant Sonja Bracken, Sergeant Mark Lopez and Lieutenant Patrick Libertone were briefed regarding the circumstances of a Deputy Involved Shooting. Sergeant Sonja Bracken was assigned the responsibility for the administrative review of the incident.

Synopsis
On May 18, 2013, Deputies [redacted] and Oscar Barrios were patrolling in a marked patrol car when they saw Suspect Terry Laffitte riding his bicycle south on Miramonte Boulevard from 60th Street. The bicycle did not have a head light or tail light and the suspect appeared to be intoxicated. The deputies attempted to conduct a bicycle stop, but the suspect refused to stop and continued to ride away from them.

Suspect Laffitte rode his bicycle down the driveway at [redacted] Miramonte Boulevard and to the back of a residence. The deputies exited their patrol car and followed Suspect Laffitte on foot. When Deputy Barrios attempted to contact Suspect Laffitte, he punched him (Deputy Barrios) in the face. Suspect Laffitte then tackled the deputies, knocking both of them to the ground. While struggling with Suspect Laffitte on the ground, Deputy Barrios was able to place one handcuff on his left wrist. During the struggle, family members of Suspect Laffitte exited the house and began yelling at the deputies. One of the women from the house, later identified as [redacted] grabbed Deputy [redacted] while another person, later identified as [redacted] tried to pull Suspect Laffitte away from the deputies. Deputy [redacted] kicked [redacted] in her stomach in order to get her away from him. Deputy [redacted] drew his firearm to keep the family members at bay. During the struggle, Suspect Laffitte grabbed ahold of Deputy [redacted] firearm but Deputy [redacted] was able to maintain control. Suspect Laffitte then managed to produce a firearm which he had in his back waistband area. Deputy Barrios alerted Deputy [redacted] that the suspect was now armed with a firearm. Fearing for their safety, Deputy

[redacted] and Deputy Barrios each fired one round at close range while on the ground with the suspect.

Suspect Laffitte suffered one gunshot wound to the head and one gunshot wound to the right leg. He was pronounced dead at the scene.

Suspect Laffitte's Smith & Wesson, 38 Special, 5 shot revolver, and "Phantom" black plastic BB gun, were recovered at the scene. Additionally, two expended 9mm shell casings were recovered at the scene.

> **IAB Note:** IAB Lieutenant Libertone checked to see that on-duty Watch Commander, Lieutenant Todd Deeds, took reasonable steps to ensure that the involved personnel did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. Lt. Libertone verified that Lieutenant Deeds assigned Sergeant [redacted] #[redacted] to remain with the involved personnel until they provided a statement to the assigned investigators. Lt. Libertone also assured that the involved personnel were only allowed to consult with their attorney or representative.

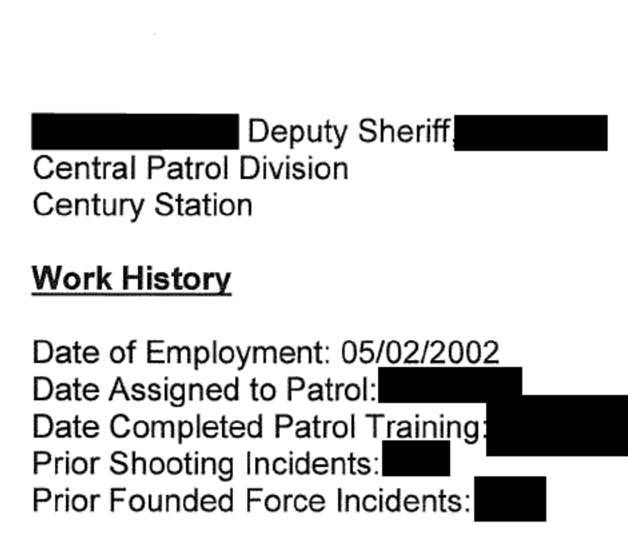
> **IAB Note:** The summary of this incident is based on physical evidence collected and photographs taken at the scene by Los Angeles County Sheriff's Department Crime Lab personnel, interviews of the involved employees and witnesses by Homicide and IAB investigator's, as well as information obtained from the original crime report and supplemental reports. Refer to **Exhibits A, B** and **C** for the audio recordings.

INVOLVED PERSONNEL

Barrios, Oscar Deputy Sheriff [redacted]
Central Patrol Division
Marina Del Rey Station (previously assigned to Century)

Work History

Date of Employment: 08/04/2004
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]



[redacted] Deputy Sheriff [redacted]
Central Patrol Division
Century Station

Work History

Date of Employment: 05/02/2002
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

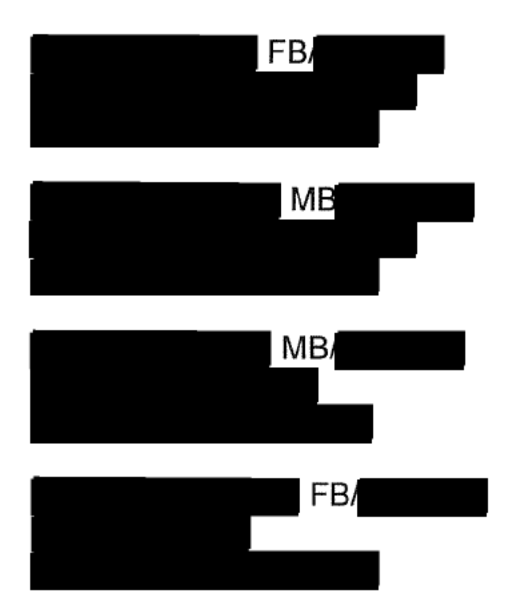
Laffitte, Terry MB/10-10-62
[redacted]

SWORN WITNESSES

Martinez, Salvador Deputy Sheriff, [redacted]
Central Patrol Division
Century Station

Gomez, Saul Deputy Sheriff, [redacted]
Central Patrol Division
Century Station

CIVILIAN WITNESSES

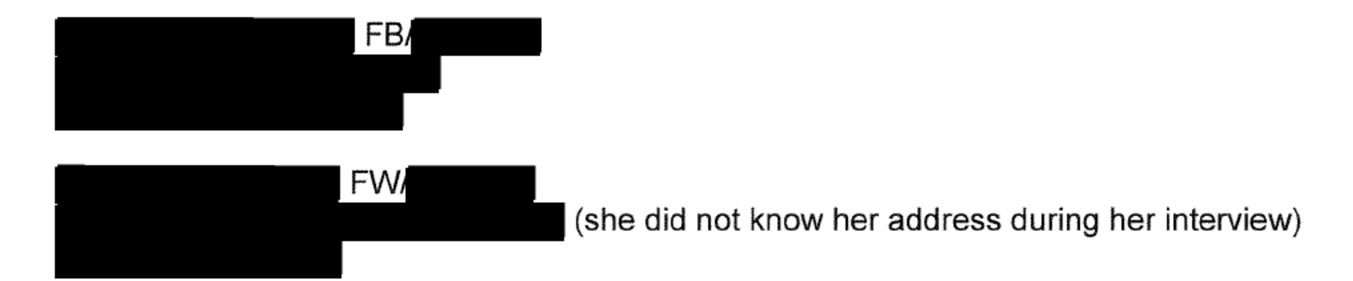


[redacted] FB/ [redacted]

[redacted] MB [redacted]

[redacted] MB/ [redacted]

[redacted] FB/ [redacted]



[redacted] FB/[redacted]

[redacted] FW/[redacted] (she did not know her address during her interview)
[redacted]

SUSPECT INJURIES
Suspect Laffitte sustained one gunshot wound to his right leg and one to his head.

> **IAB Note:** For the coroner's report, refer to **Exhibit D.**

DEPUTY INJURIES
None

PHYSICAL EVIDENCE
Physical evidence related to the crime scene, collection of evidence, and crime scene diagrams. Refer to **Exhibit A, pages 63-75**.

> **IAB Note:** In **Exhibit A, page 72**, on the supplemental report written by Forensic Identification Specialist II David Ozeta, he referred to Sergeant Carlos Veloz as the Sergeant from whom he retrieved Suspect Laffitte's revolver. Sergeant Veloz's true first name is Oscar on Departmental records.

INVESTIGATOR'S OBSERVATIONS
Responding Internal Affairs Bureau investigators walked through the crime scene and noted that the scene which was in the backyard of the location. The backyard was a concrete extension of the driveway which led to other residences at the rear of the location. The backyard was illuminated by ambient lighting from the interior of the home. Suspect Laffitte's bicycle was in the standing position at the rear of the location. During his interview, Witness [redacted] admitted picking up the bicycle and standing it on its kickstand. Refer to **Exhibit B** for pictures of the crime scene and the crime scene DVD in **Exhibit C**.

WEAPONS USED BY DEPUTY PERSONNEL
Deputies Barrios and [redacted] each fired one round of Department authorized 9mm ammunition from Department authorized Beretta, Model 92FS, semi-automatic pistols. Their weapons and ammunition were found to be within specifications consistent with the Beretta 9MM weapon. Refer to **Exhibit A, pages 68, 71-72, and 75** for the firearm descriptions.

WEAPONS USED BY SUSPECT
Smith and Wesson, .38 SPL, revolver, serial [redacted] A black plastic "Phantom" BB gun was also found on the suspect's body. Refer to **Exhibit A, pages, 4, 67- 68 71-72, 75** for the firearm descriptions. Also see the pictures in **Exhibit B** and pictures contained on the crime scene DVD in **Exhibit C**.

PROPERTY DAMAGE
None

CRIMINAL INVESTIGATOR/CHARGES FILED
Suspect Laffitte had an extensive criminal history. [redacted]

Per Homicide Detective Teri Bernstein, The District Attorney's Office decided not to file any charges on any of the occupants of the Miramonte Boulevard residence.

LIGHTING AND WEATHER CONDITIONS
The incident occurred during night time hours. The shooting scene was illuminated by ambient lighting from the interior of the house. The weather was fair, crisp and clear, with no precipitation.

> **IAB Note:** For photographs of lights illuminating shooting scene, refer to the crime scene **DVD in Exhibit C**.

INVOLVED EMPLOYEE STATEMENTS
*Homicide investigators interviewed all involved personnel on the date of this incident. A summary of their interviews may be found in **Exhibit A, pages 7-20** of the Homicide Investigation Book. The verbatim transcripts of those interviews are enclosed in this case. This IAB investigator reviewed the audio recordings of those interviews and found that Homicide's summary of each interview is an accurate account of what was said. Per Department protocol, none of the deputies authored a report regarding this incident.*

> **IAB Note:** On **Exhibit A,** the Homicide investigators casebook cover and the supplemental reports on pages 1, 5 and 13, the date of the incident is listed as May 16, 2013. The correct date is May 18, 2013. Also on the Homicide casebook cover and all of the Homicide supplemental reports Miramonte is listed as Avenue, they should show Miramonte Boulevard.

On October 28, 2014, at approximately 1330 hours, Internal Affairs Bureau Sergeants Sonja Bracken and Eric Eitner interviewed **Deputy Oscar Barrios**. Also present during the interview was Attorney Elizabeth Gibbons from Green and Shinee. The interview took place at the Internal Affairs Bureau and was digitally recorded for review. The

following is a summary of that interview.

At the time of this incident, Deputy Barrios had been assigned to Century Station for approximately [redacted] and he had worked with Deputy [redacted] for approximately [redacted]. They had discussed tactics, scenarios and radio traffic coordination during those [redacted]. That night, Deputy Barrios was equipped with a sap, baton and pepperspray. He and his partner did not have a taser or stunbag in their patrol car. Deputy Barrios was not carrying a taser because there were not enough tasers available for distribution at Century Station.

On that night, Deputy Barrios noticed Suspect Laffitte riding his bicycle in the area of 60th Street and Miramonte Boulevard. He noticed Suspect Laffitte's bicycle did not have a light affixed to it for riding during nighttime hours, a violation of the vehicle code. Suspect Laffitte was swaying back and forth as he was riding his bicycle and he also rode south in the northbound lane. Deputy Barrios believed that Suspect Laffitte could be under the influence of either alcohol or drugs. Deputy Barrios told his partner that they were going to contact Suspect Laffitte to address the violations. They illuminated Suspect Laffitte with their patrol car spotlights and the vehicle's headlights. Both deputies yelled for Suspect Laffitte to stop his bicycle. Suspect Laffitte appeared to turn and look at their patrol car but still continued to ride away from them on Miramonte Boulevard.

Once Suspect Laffitte arrived at [redacted] Miramonte Boulevard, he proceed east down the driveway. Suspect Laffitte appeared to crash his bicycle into a vehicle in the driveway. He continued walking down the driveway, between the south side of the house and the vehicles parked in the driveway, as he attempted to carry his bicycle. Both deputies continued to give Suspect Laffitte commands to stop. Deputy Barrios did not consider requesting any units for backup for these reasons: Suspect Laffitte did not appear to pose an immediate threat, Suspect Laffitte did not make any movements that led him (Deputy Barrios) to believe that he was armed, Deputy Barrios was there with a partner, they were aware of their location, and they were going to contact Suspect Laffitte for very minor violations. Both deputies decided to go down the driveway after him stepping over his bike that he had left between the parked cars.

Suspect Laffitte reached the end of the house and into the backyard area. Deputy Barrios identified himself to Suspect Laffitte, ordered him to stop and place his hands on his head. As soon as Deputy Barrios grabbed Suspect Laffitte's left arm, Suspect Laffitte turned and punched him in his face with his right fist. The punch temporarily disoriented Deputy Barrios and caused him to stumble backwards. Deputy Barrios was able to regain his composure and grab Suspect Laffitte's sweater with both hands. Deputy Barrios continued to give him commands as he attempted to take him to the ground. Suddenly, Suspect Laffitte growled, bear hugged both deputies and took them both to the ground. They all landed in a small area between the back of the house and a shed. Suspect Laffitte's head was to the south and his feet were to the north and he was on his stomach. Deputy Barrios was positioned at Suspect Laffitte's lower body on his left side. Deputy [redacted] was positioned at Suspect Laffitte's upper body and on his right side. Deputy Barrios used crime scene pictures in **Exhibit B** to depict their locations.

Suspect Laffitte attempted to get up off the ground and refused to relinquish his hands to the deputies. Deputy Barrios requested assistance via his Sheriff's portable radio.

As they were struggling with Suspect Laffitte, Deputy Barrios heard several people exiting the house and yelling at them from two separate doorways. There were two back doors to the house, one was to the north of the deputies and the other was to the immediate west. At this point, Deputy Barrios felt he and his partner were going to be assaulted and Suspect Laffitte was possibly going to be lynched. He also felt that if Suspect Laffitte was able to get to his feet, he (Barrios) and Deputy [redacted] would be hurt very bad due to his size and nature. Deputy Barrios struck Suspect Laffitte several times with his sap in his hamstring area eight to ten times, while still giving him commands to surrender. Deputy Barrios saw several people surrounding and engaging his partner. Deputy [redacted] gave commands for them to get back. Deputy Barrios used his radio again to request assistance. Deputy Barrios identified Witness [redacted] as the male who walked behind him and attempted to push him off of Suspect Laffitte. Witness [redacted] eventually stopped and walked away. Deputy Barrios was able to place one handcuff on Suspect Laffitte's left hand. Deputy Barrios believed he used his radio again to request assistance. From his position, Deputy Barrios could not see Suspect Laffitte's right hand. He saw Deputy [redacted] back towards him and across the upper part of Suspect Laffitte's body. He could not see if Deputy [redacted] had Suspect Laffitte in a carotid restraint. He did not see anyone assault Deputy [redacted] nor did he see Deputy [redacted] kick anyone. Deputy Barrios believed he requested assistance again via his portable radio.

After several minutes, Deputy Barrios heard Deputy [redacted] screaming that Suspect Laffitte was grabbing his gun. Within seconds, Suspect Laffitte's left hand was moving up and down near the rear of his own waistband area. Suddenly, Suspect Laffitte produced a firearm with his left hand. Deputy Barrios alerted his partner yelling, "He's got a gun, he's got a gun, he's got a gun!" Deputy Barrios still had ahold of the chain area of the handcuff attached to Suspect Laffitte, so he could feel that he (Laffitte) was overpowering him. Fearing for his and his partner's safety, as well as other people who were around, Deputy Barrios drew his firearm and fired one round directly into Suspect Laffitte's right hamstring area. He fired the contact shot into his hamstring because that was the only body part exposed to him being in his position. Deputy Barrios fired his round in an attempt to incapacitate him and stop the threat. He also wanted to minimize the chance of any ricochet striking himself or anyone else.

Once he fired his round, Deputy Barrios believed he heard another gunshot almost simultaneously. He was not sure who had fired, so he turned to check his partner. Suspect Laffitte's body went limp and with the assistance of his partner, Deputy Barrios continued with handcuffing him. As he handcuffed him, the firearm that Suspect Laffitte had fell on the ground, to the right side of his body. At that point, Deputy Barrios saw Witness [redacted] ooking at and appearing to want to retrieve that firearm. Based on Witness [redacted] aggressive actions, Deputy Barrios pointed his own firearm at him [redacted] and retrieved the firearm from the ground. Assisting units and Sergeant Oscar Veloz had arrived on scene. Deputy Barrios did not manipulate Suspect Laffitte's firearm in anyway, he immediately gave that firearm to Sergeant Veloz to secure as evidence.

Deputy Barrios did not want to discharge pepperspray in this incident due to the close quarters they were in. He did not want to possibly contaminate and incapacitate himself or his partner, especially with the hostile people surrounding them. He also did not feel that pepperspray would have any effect on Suspect Laffitte based on his level of intoxication. Deputy Barrios felt like the incident lasted a very long time. It was the longest altercation he'd ever been in. During the struggle with Suspect Laffitte, Deputy Barrios felt himself getting winded. He felt scared and that with the aggressiveness of the other people from the house, he and/or Deputy [redacted] could have been killed.

Deputy Barrios said it appeared to be a normal busy night at Century Station. The field units were not properly staffed and he was not sure how many units had been busted. Even with that knowledge, Deputy Barrios still felt comfortable proceeding down the driveway after Suspect Laffitte that night. He felt that due to the minor offense that they were contacting Suspect Laffitte for, as patrol deputies they have an obligation and a responsibility to carry out their duties. He felt it was no different than a call for service of a spousal assault, shooting or an assistance request. Deputy Barrios did not recall being at [redacted] Miramonte Boulevard on a previous call for service and did not recall that location being associated with any gang.

Deputy Barrios said this situation was very tense and rapidly evolving. This was the most stressful and most fearful tactical situation in his career. It was very mentally and physically challenging for him and Deputy [redacted] He has reverence for life and respect for people that he contacts. It was unfortunate that Suspect Laffitte lost his life. He also felt that better staffing issues may have resulted in a quicker response by deputy personnel and may have ended the problem a little differently.

> **IAB Note:** For further details, refer to the Homicide investigator's summary, **Exhibit A, pages 8-9.** Also see Witness Barrios' transcribed Homicide and IAB interviews.

Timeline of the Century Station emergent radio traffic:

00:14- Mic keys
00:23- [redacted] initial traffic by Barrios
00:51- 2nd traffic by Barrios
01:32- 3rd traffic by Barrios
02:15- Mic keyed/screaming in background
02:28- 4th traffic by Barrios
03:01- 5th traffic by Barrios
03:10- 216E [redacted]
03:36- [redacted] by Barrios
03:54- Deputy Martinez re-broadcast [redacted] not [redacted]

Remainder of audio was containment and [redacted] response. Refer to a **CD in Exhibit C.**

On October 28, 2014, at approximately 1503 hours, Internal Affairs Bureau Sergeants Sonja Bracken and Eric Eitner interviewed **Deputy** [redacted] Also present during the interview was Attorney Elizabeth Gibbons from Green and Shinee.

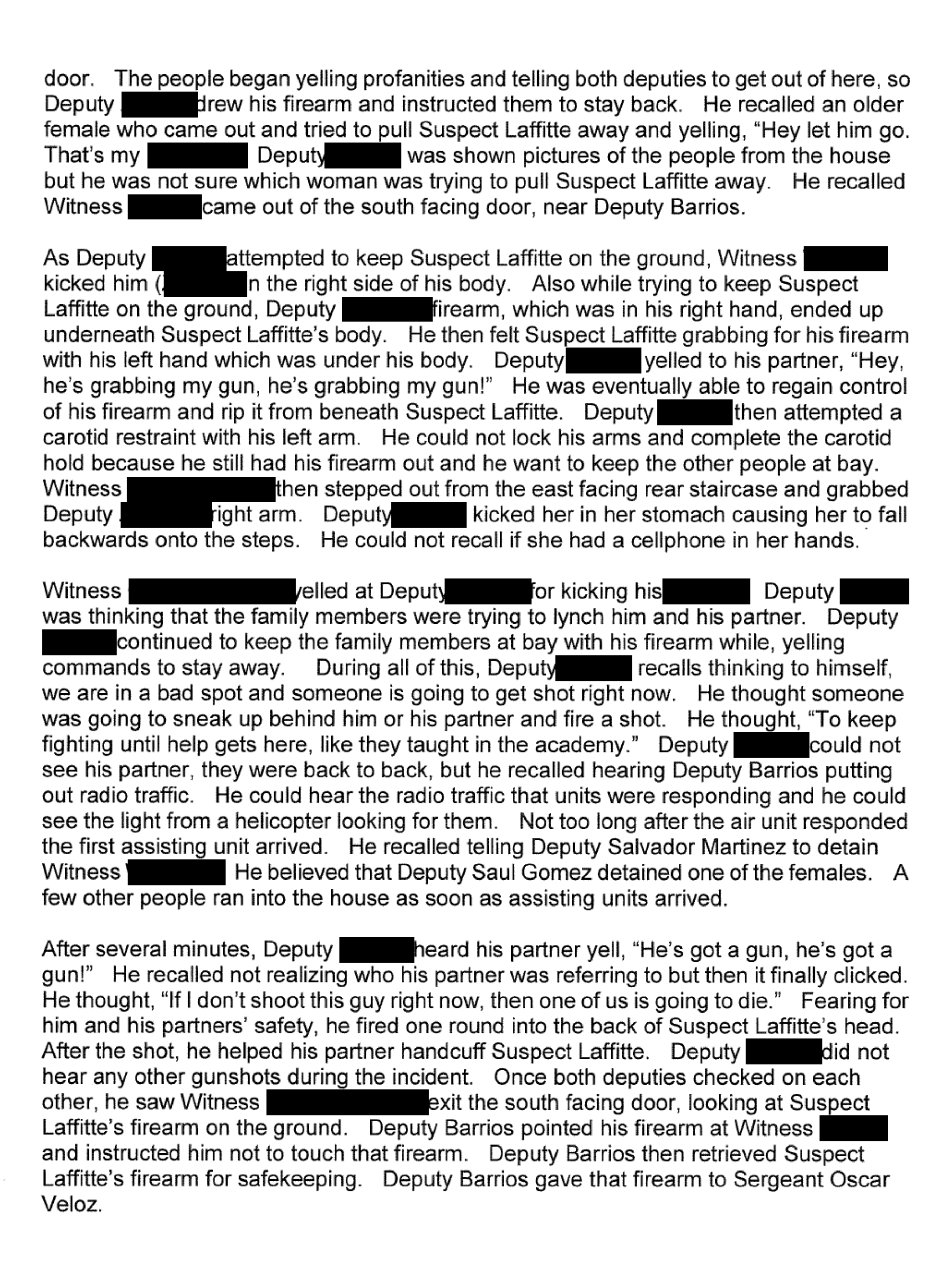
The interview took place at the Internal Affairs Bureau and was digitally recorded for review. The following is a summary of that interview.

At the time of this incident, Deputy [redacted] had been assigned to Century Station for [redacted] He and Deputy Barrios had been working together for approximately [redacted] They had discussed tactics, scenarios and radio traffic coordination over the course [redacted] On the night of this incident, Deputy [redacted] was equipped with pepperspray as far as less lethal weapons. He did not have a baton on his person. He had the Department issued PR24 side handle baton in the trunk of their patrol vehicle. He could not recall if they had a stunbag in their patrol vehicle that night. He did not have a taser with him because at the time Century Station did not have enough to go around.

Deputy [redacted] essentially said the same as Deputy Barrios regarding the observation of Suspect Laffitte on his bicycle and the discussion about the violations they were going to contact him for. He also said the same regarding illuminating Suspect Laffitte with their spotlights and telling him to stop while he was riding south on Miramonte Boulevard. It appeared to Deputy [redacted] that Suspect Laffitte may have clipped a parked vehicle on the east side of the street, while riding away from them. Deputy [redacted] formed the opinion that Suspect Laffitte was possibly intoxicated or under the influence of a drug. As Suspect Laffitte got to [redacted] Miramonte Boulevard he appeared to use his feet as brakes. He did not notice anything overt in Suspect Laffitte's hands or waistband. Suspect Laffitte crashed into a wrought iron fence along the south side of the driveway and came to a stop. He then began to walk the bicycle east between the south side of the house and the parked vehicles in the driveway.

Both deputies exited their vehicle and proceeded to follow him down the driveway. Deputy [redacted] recalled his partner telling him, "Hey, I got the address." Deputy [redacted] did not consider getting on his portable radio to request backup. It did not appear to him that Suspect Laffitte was trying to evade them, he appeared severely intoxicated or under the influence and may not have known where he was. In his experience, if someone is going to run from deputies, they would ditch the bicycle and run. Both deputies identified themselves as deputy sheriffs and gave Suspect Laffitte commands to stop. Both deputies stepped over Suspect Laffitte's bicycle as they entered the backyard to contact him. As Suspect Laffitte turned to the north and appeared to be trying to enter the back door (east side), Deputy Barrios grabbed him. Suspect Laffitte then turned and punched Deputy Barrios in his face. Deputy [redacted] punched Suspect Laffitte in his face with his left fist, which appeared to have no effect on him. Suspect Laffitte continued to struggle with Deputy Barrios; he ended up using a bear hug and taking both deputies to the ground. Deputy [redacted] considered using pepperspray but being that they were in close quarters with Suspect Laffitte, he did not want to possibly incapacitate himself or his partner. Deputy [redacted] used crime scene pictures in **Exhibit B** to depict where he, his partner and Suspect Laffitte landed. Deputy [redacted] depiction of their positions was the same as Deputy Barrios'.

At this point, Deputy [redacted] recalled telling Deputy Barrios to put out the emergent radio traffic advising that they were in a fight, which he did. Deputy [redacted] then saw several people emerging from the rear of the house, from a south facing door and an east facing



door. The people began yelling profanities and telling both deputies to get out of here, so Deputy [redacted]rew his firearm and instructed them to stay back. He recalled an older female who came out and tried to pull Suspect Laffitte away and yelling, "Hey let him go. That's my [redacted] Deputy [redacted] was shown pictures of the people from the house but he was not sure which woman was trying to pull Suspect Laffitte away. He recalled Witness [redacted] came out of the south facing door, near Deputy Barrios.

As Deputy [redacted] attempted to keep Suspect Laffitte on the ground, Witness [redacted] kicked him ([redacted]n the right side of his body. Also while trying to keep Suspect Laffitte on the ground, Deputy [redacted] firearm, which was in his right hand, ended up underneath Suspect Laffitte's body. He then felt Suspect Laffitte grabbing for his firearm with his left hand which was under his body. Deputy [redacted] yelled to his partner, "Hey, he's grabbing my gun, he's grabbing my gun!" He was eventually able to regain control of his firearm and rip it from beneath Suspect Laffitte. Deputy [redacted] then attempted a carotid restraint with his left arm. He could not lock his arms and complete the carotid hold because he still had his firearm out and he want to keep the other people at bay. Witness [redacted] then stepped out from the east facing rear staircase and grabbed Deputy [redacted]ight arm. Deputy [redacted] kicked her in her stomach causing her to fall backwards onto the steps. He could not recall if she had a cellphone in her hands.

Witness [redacted]elled at Deputy [redacted]or kicking his [redacted] Deputy [redacted] was thinking that the family members were trying to lynch him and his partner. Deputy [redacted] continued to keep the family members at bay with his firearm while, yelling commands to stay away. During all of this, Deputy [redacted] recalls thinking to himself, we are in a bad spot and someone is going to get shot right now. He thought someone was going to sneak up behind him or his partner and fire a shot. He thought, "To keep fighting until help gets here, like they taught in the academy." Deputy [redacted] could not see his partner, they were back to back, but he recalled hearing Deputy Barrios putting out radio traffic. He could hear the radio traffic that units were responding and he could see the light from a helicopter looking for them. Not too long after the air unit responded the first assisting unit arrived. He recalled telling Deputy Salvador Martinez to detain Witness [redacted] He believed that Deputy Saul Gomez detained one of the females. A few other people ran into the house as soon as assisting units arrived.

After several minutes, Deputy [redacted]heard his partner yell, "He's got a gun, he's got a gun!" He recalled not realizing who his partner was referring to but then it finally clicked. He thought, "If I don't shoot this guy right now, then one of us is going to die." Fearing for him and his partners' safety, he fired one round into the back of Suspect Laffitte's head. After the shot, he helped his partner handcuff Suspect Laffitte. Deputy [redacted] did not hear any other gunshots during the incident. Once both deputies checked on each other, he saw Witness [redacted] exit the south facing door, looking at Suspect Laffitte's firearm on the ground. Deputy Barrios pointed his firearm at Witness [redacted] and instructed him not to touch that firearm. Deputy Barrios then retrieved Suspect Laffitte's firearm for safekeeping. Deputy Barrios gave that firearm to Sergeant Oscar Veloz.

Deputy [redacted] recalled that on the night of this incident, one of their sister cars was on a containment and another unit was handling a suicide. It had kind of slowed down towards the end of their shift. He believed that one or two of the PM shift cars and one or two of the EM shift cars that night had been busted. Even with that knowledge, Deputy [redacted] felt comfortable going down the driveway after Suspect Laffitte. He was comfortable with his partner and it seemed like it was more of a routine contact with an intoxicated person who may or may not have known where he was. Deputy [redacted] did not recall being at the house on any previous calls for service. He was not aware if the location was a known as a gang house.

After listening to the radio traffic with Homicide investigators, Deputy [redacted] felt that Deputy Barrios did a great job with the radio traffic. He would have liked to have had a taser for this situation; that would have been a good option to have available. Looking back he was glad he and his partner survived.

> **IAB Note:** For further details, refer to the Homicide investigator's summary, **Exhibit A, pages 7-8.** Also see Witness [redacted] transcribed Homicide and IAB interviews.

> **IAB Note:** During their IAB interviews both deputies believed that they had busted Firestone patrol unit(s) for their shift on the night of this incident. Copies of the PM (May 18, 2013) and EM shift (May 19, 2013) in-services are included in the **Miscellaneous Section** of this case.

> **IAB Note:** Due to Deputy [redacted] kicking Witness [redacted] during this incident, **IAB case** [redacted] was pulled to account for the use of force.

SWORN WITNESS STATEMENTS

On November 5, 2014, at approximately 1334 hours, Internal Affairs Bureau Sergeant Sonja Bracken interviewed **Deputy Salvador Martinez**. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview:

At the time of this incident, Deputy Martinez had been at Century Station [redacted] Deputy Saul Gomez assigned as his partner for that night. Deputy Gomez [redacted]

Once he heard the emergent radio traffic by Deputy Barrios, Deputy Martinez responded to the location. He and his partner were the first assisting unit on scene. They saw a patrol car parked at the driveway at [redacted] so they proceeded down the driveway. As he ran down the driveway, he briefly saw Deputies Barrios and [redacted] on the ground to the north between the back of the house and a shed. Those two deputies were struggling to keep Suspect Laffitte on the ground. He then saw Witness [redacted] who he recognized as an East Coast gang member from previous responses to the house. Witness [redacted] put his hands up and went to the ground. Deputy Martinez then saw another

unidentified female standing to the south of the shed near Deputies Barrios and [redacted] Deputy Saul Gomez went to detain the unknown female while he (Martinez) detained Witness [redacted] on the ground. Deputy Martinez used crime scene pictures to depict the witnesses' positions, as well as Deputies Barrios and [redacted] positions in **Exhibit B**.

Deputy Martinez did not see either deputy strike Suspect Laffitte with anything or kick him. Deputy Martinez did not recall seeing either deputy engaging with other people from the house. Since Witness [redacted] was not physically resisting, Deputy Martinez waited for Deputy Gomez to come handcuff him. Deputy Martinez was thinking of being more like a quarterback and directing assisting units as they arrived, more than handcuffing Witness [redacted]

As he was detaining him, he looked over at Deputies Barrios and [redacted] and saw Suspect Laffitte with a firearm in his left hand. Suspect Laffitte appeared to be lifting his upper body upward, with the firearm near his upper chest area. He heard someone yell, "Gun, gun, gun!" He then heard two to three gunshots but he did not see who fired a weapon. Suspect Laffitte laid back down on the ground and became motionless. The gunshots occurred approximately thirty to forty seconds after he and his partner arrived on scene.

Deputy Martinez broadcasted [redacted] radio traffic. Deputy Martinez did not see what happened to Suspect Laffitte's firearm after the incident. He did not see Deputy [redacted] kick any of the people from the house or point his firearm at them. He did not recall seeing Deputy [redacted] placing Suspect Laffitte in a carotid restraint hold. He did not see anyone striking either Deputy Barrios or [redacted] He did not recall seeing or feeling a cellphone on Witness [redacted] person when he quickly patted him down. He did not see any females video recording with a cellphone.

Deputy Martinez recalled that at the time of this incident Century Station was busting patrol units and it was a big topic of discussion after this incident.

> **IAB Note:** For further details, refer to Homicide investigators summary, **Exhibit A, pages 9-10** and Witness Martinez's transcribed Homicide and IAB interviews.

On November 4, 2014, at approximately 2055 hours, Internal Affairs Bureau interviewed **Deputy Saul Gomez**. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

At the time of this incident, Deputy Gomez had been at Century Station [redacted] on duty that night, so he was riding with Deputy Martinez. Once he and his partner arrived at [redacted] Miramonte, they went down the driveway and he saw several people run into the back door of the location. He then saw a male black wearing a white shirt, later identified as Witness [redacted] at the east end of the cars parked in the driveway. Witness [redacted] complied with their orders and lay on the ground. Deputy Gomez briefly saw Deputies Barrios and [redacted] on the ground with Suspect Laffitte between the

rear of the house and a shed. He used crime scene pictures **(Exhibit B)** to depict those deputies locations, as well as the witnesses' locations.

From his position on the south side of the shed, Deputy Gomez could not see Deputies Barrios and [redacted] struggling with Suspect Laffitte. Deputy Gomez detained a female in the backyard. He was shown pictures during this interview but could not identify that female. He did not recall seeing the deputies striking Suspect Laffitte or applying a carotid restraint on him. He did not see any of the people from the house assault either deputy. He did not recall seeing either deputy with their firearms drawn. He heard someone yell, "Gun, gun, gun." And he then heard gunshots. He had nothing further to add, this interview was concluded.

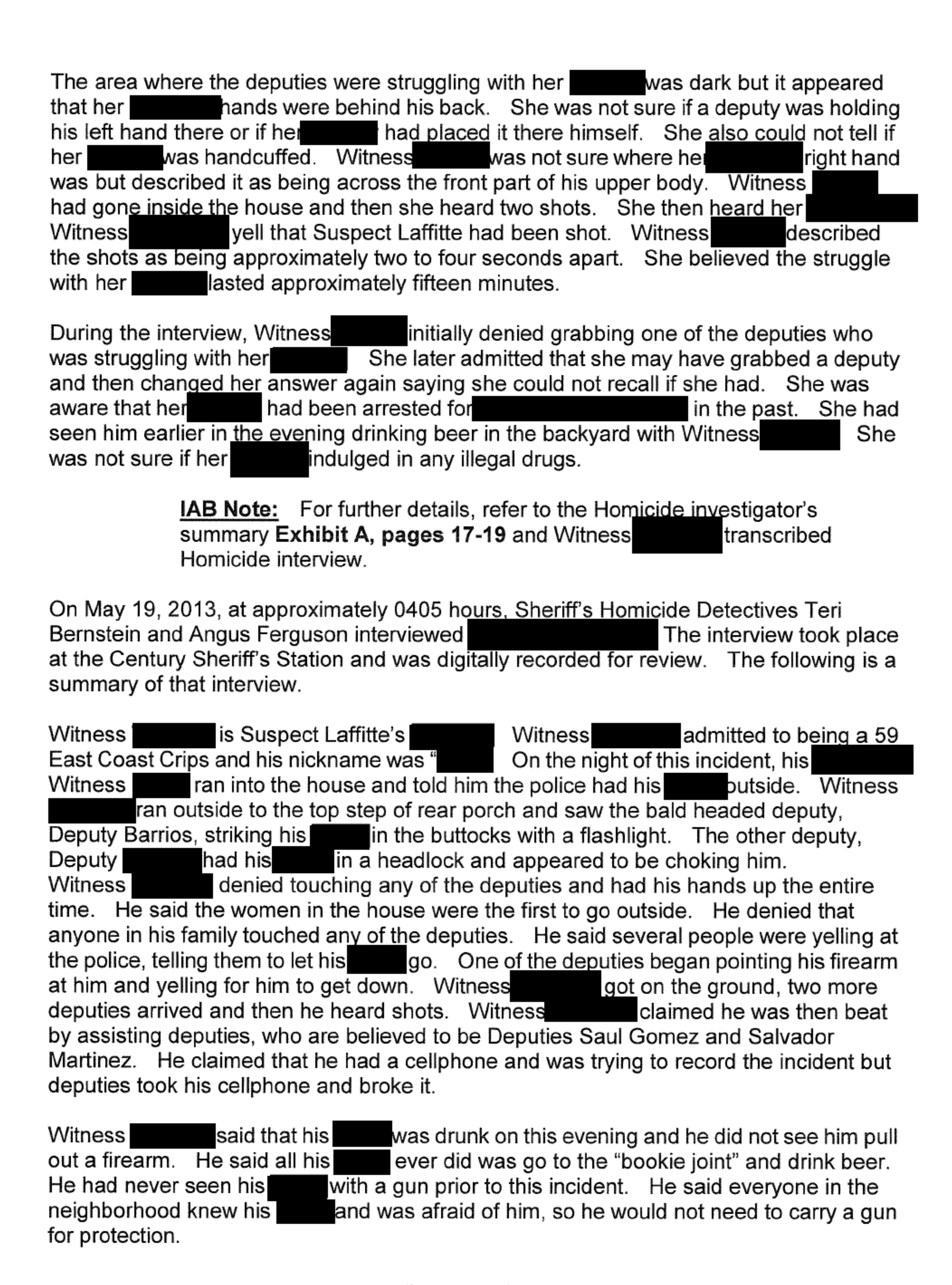
> **<u>IAB Note:</u>** For further details, refer to Homicide investigators summary, **Exhibit A, page 10** and Witness Gomez' transcribed Homicide and IAB interviews.

<u>CIVILIAN WITNESS STATEMENTS</u>

During the following Homicide Bureau interviews, excluding Witness [redacted] interview, the detectives were accompanied by three members of the Justice System Integrity Division (JSID). The JSID members were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. There were no voice identifications on the audio recordings to distinguish who was speaking, therefore the JSID members and Detective Urrita were shown as "unknown" on the transcriptions.

On May 19, 2013, at approximately 0240 hours, Sheriff's Homicide Detective Todd Anderson and Century OSS Detective Jesse Urrita interviewed [redacted] Also present were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

Witness [redacted] lived at the Miramonte house with several family members and her [redacted] Suspect Laffitte. **Note: The family has since moved from [redacted] Miramonte Boulevard.** On the evening of this incident, [redacted], Witness [redacted] alerted her that there was a problem outside. She went outside and saw two deputies on top of her [redacted] One deputy, determined to be Deputy Barrios, was hitting him on the back with a flashlight. The other deputy, determined to be Deputy [redacted] had [redacted] in a headlock, was pointing his firearm at everyone who had come outside and telling them to get back. Witnesses [redacted] and [redacted] had come outside with her. They all were yelling at the deputies. Her [redacted] was lying face down on the ground between the house and a shed. Deputies were instructing him to "be still." Witness [redacted] grabbed a cellphone in an attempt to record the incident. She got close to the deputies and at that point Deputy [redacted] kicked her in her stomach. She initially said she was injured and then she denied suffering any physical effects or pain from the kick **(page 20 of her transcript)**. She believed Deputy [redacted] was trying to kick the cellphone out of her hands.



The area where the deputies were struggling with her [redacted] was dark but it appeared that her [redacted] hands were behind his back. She was not sure if a deputy was holding his left hand there or if her [redacted] had placed it there himself. She also could not tell if her [redacted] was handcuffed. Witness [redacted] was not sure where her [redacted] right hand was but described it as being across the front part of his upper body. Witness [redacted] had gone inside the house and then she heard two shots. She then heard her [redacted] Witness [redacted] yell that Suspect Laffitte had been shot. Witness [redacted] described the shots as being approximately two to four seconds apart. She believed the struggle with her [redacted] lasted approximately fifteen minutes.

During the interview, Witness [redacted] initially denied grabbing one of the deputies who was struggling with her [redacted] She later admitted that she may have grabbed a deputy and then changed her answer again saying she could not recall if she had. She was aware that her [redacted] had been arrested for [redacted] in the past. She had seen him earlier in the evening drinking beer in the backyard with Witness [redacted] She was not sure if her [redacted] indulged in any illegal drugs.

> **IAB Note:** For further details, refer to the Homicide investigator's summary **Exhibit A, pages 17-19** and Witness [redacted] transcribed Homicide interview.

On May 19, 2013, at approximately 0405 hours, Sheriff's Homicide Detectives Teri Bernstein and Angus Ferguson interviewed [redacted] The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

Witness [redacted] is Suspect Laffitte's [redacted] Witness [redacted] admitted to being a 59 East Coast Crips and his nickname was "[redacted] On the night of this incident, his [redacted] Witness [redacted] ran into the house and told him the police had his [redacted] outside. Witness [redacted] ran outside to the top step of rear porch and saw the bald headed deputy, Deputy Barrios, striking his [redacted] in the buttocks with a flashlight. The other deputy, Deputy [redacted] had his [redacted] in a headlock and appeared to be choking him. Witness [redacted] denied touching any of the deputies and had his hands up the entire time. He said the women in the house were the first to go outside. He denied that anyone in his family touched any of the deputies. He said several people were yelling at the police, telling them to let his [redacted] go. One of the deputies began pointing his firearm at him and yelling for him to get down. Witness [redacted] got on the ground, two more deputies arrived and then he heard shots. Witness [redacted] claimed he was then beat by assisting deputies, who are believed to be Deputies Saul Gomez and Salvador Martinez. He claimed that he had a cellphone and was trying to record the incident but deputies took his cellphone and broke it.

Witness [redacted] said that his [redacted] was drunk on this evening and he did not see him pull out a firearm. He said all his [redacted] ever did was go to the "bookie joint" and drink beer. He had never seen his [redacted] with a gun prior to this incident. He said everyone in the neighborhood knew his [redacted] and was afraid of him, so he would not need to carry a gun for protection.

Witness [redacted] alleged that he was punched and kicked in the face and body by assisting deputies. Witness [redacted] his [redacted] claimed she witnessed Witness [redacted] get punched by a deputy. At the time of Witness [redacted] interview, approximately six hours later, Homicide Bureau investigators did not see any injuries on Witness [redacted] They only saw redness around his wrist due to the handcuffs. Several pictures of Witness [redacted] face and body were taken by Forensic Identification Specialist Jackie Thompson **(Crime scene DVD in Exhibit C).** Those pictures did not depicted any fresh injuries on Witness [redacted] During their IAB interviews, both deputies Martinez and Gomez said that Witness [redacted] cooperated and went to the ground when they arrived; he was not physically resistive. Based on these items, there did not appear to be anything to substantiate Witness [redacted] allegations of force.

> **IAB Note:** For further details, refer to the Homicide investigator's summary in **Exhibit A, pages 10-12** and Witness [redacted] transcribed Homicide Bureau interview.

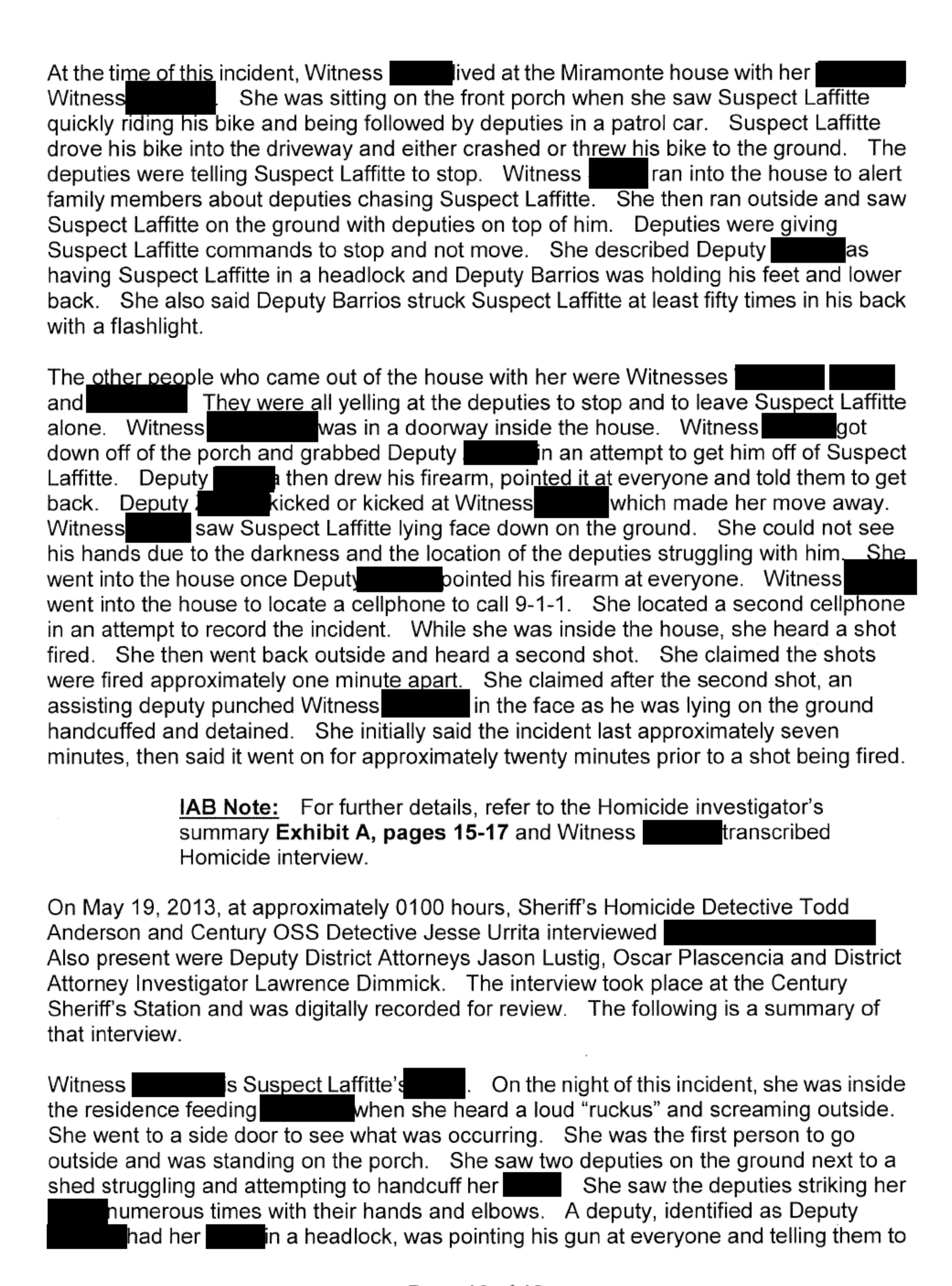
On May 19, 2013, at approximately 0405 hours, Sheriff's Homicide Detective Todd Anderson and Century OSS Detective Jesse Urrita interviewed [redacted] Also present were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

On the evening of this incident Witness [redacted] was visiting friends at the Miramonte house. He was in the living room with his [redacted] Witness [redacted] and [redacted] He heard police yelling at someone to "get down" and "I'll shoot you." He heard Witness [redacted] and several family members outside yelling at the police. Witness [redacted] claimed he never left the living room and never went to the door to see what was occurring. He never heard any gunshots and denied knowledge of anyone being shot.

Witness [redacted] admitted knowing Sugar Bear (Suspect Laffitte). He denied drinking any alcohol on the night of this incident. He also denied being a 59 East Coast Gang Member or affiliated with them.

> **IAB Note:** For further details, refer to the Homicide investigator's summary in **Exhibit A, page 20** and Witness [redacted] transcribed Homicide Bureau interview.

On May 19, 2013, at approximately 0200 hours, Sheriff's Homicide Detective Todd Anderson and Century OSS Detective Jesse Urrita interviewed [redacted] Also present were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

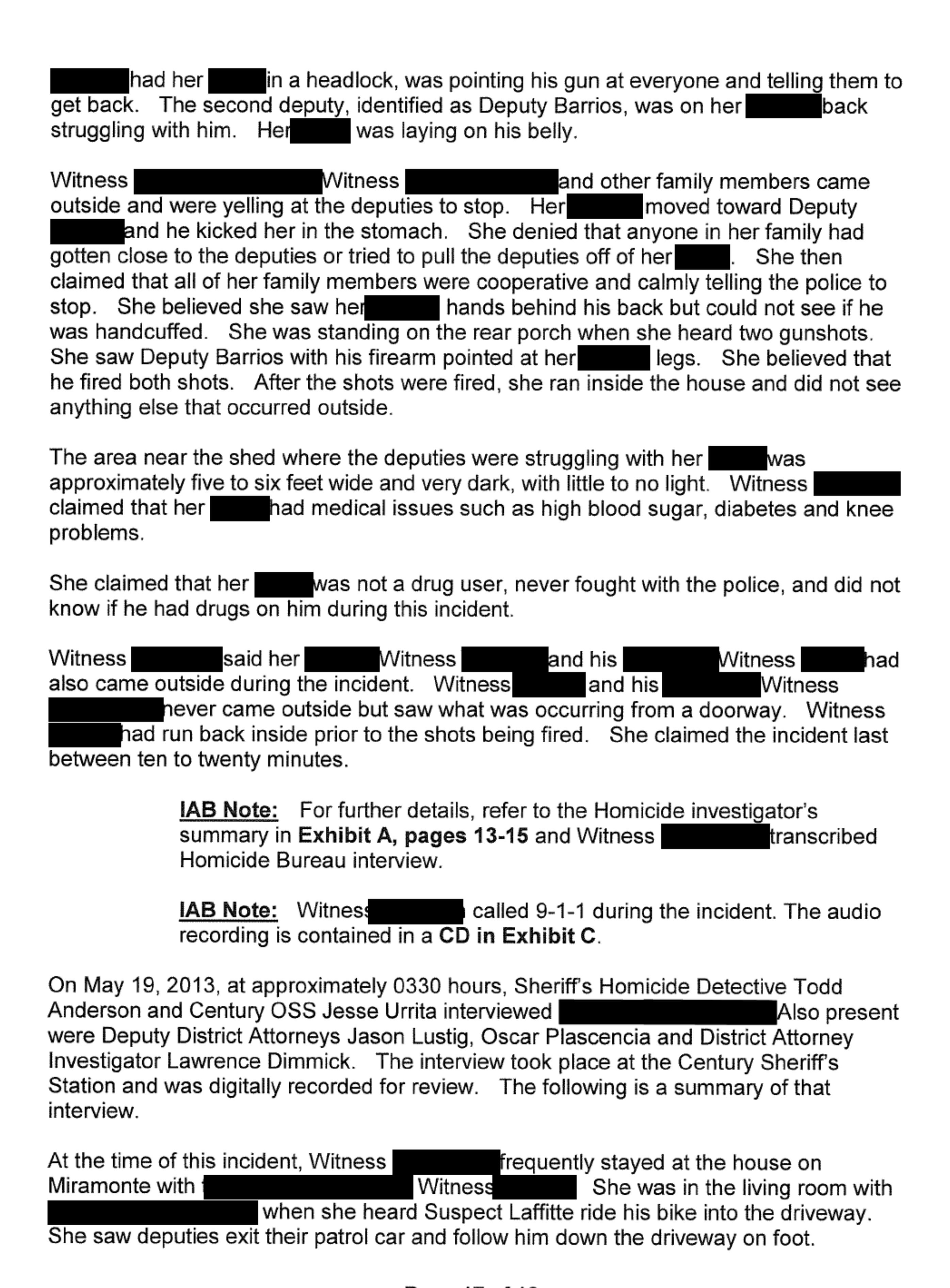

At the time of this incident, Witness [redacted]ived at the Miramonte house with her [redacted] Witness [redacted]. She was sitting on the front porch when she saw Suspect Laffitte quickly riding his bike and being followed by deputies in a patrol car. Suspect Laffitte drove his bike into the driveway and either crashed or threw his bike to the ground. The deputies were telling Suspect Laffitte to stop. Witness [redacted] ran into the house to alert family members about deputies chasing Suspect Laffitte. She then ran outside and saw Suspect Laffitte on the ground with deputies on top of him. Deputies were giving Suspect Laffitte commands to stop and not move. She described Deputy [redacted]as having Suspect Laffitte in a headlock and Deputy Barrios was holding his feet and lower back. She also said Deputy Barrios struck Suspect Laffitte at least fifty times in his back with a flashlight.

The other people who came out of the house with her were Witnesses [redacted] and [redacted] They were all yelling at the deputies to stop and to leave Suspect Laffitte alone. Witness [redacted] was in a doorway inside the house. Witness [redacted] got down off of the porch and grabbed Deputy [redacted]n an attempt to get him off of Suspect Laffitte. Deputy [redacted] then drew his firearm, pointed it at everyone and told them to get back. Deputy [redacted]icked or kicked at Witness [redacted] which made her move away. Witness [redacted] saw Suspect Laffitte lying face down on the ground. She could not see his hands due to the darkness and the location of the deputies struggling with him. She went into the house once Deput[redacted]ointed his firearm at everyone. Witness [redacted] went into the house to locate a cellphone to call 9-1-1. She located a second cellphone in an attempt to record the incident. While she was inside the house, she heard a shot fired. She then went back outside and heard a second shot. She claimed the shots were fired approximately one minute apart. She claimed after the second shot, an assisting deputy punched Witness [redacted] in the face as he was lying on the ground handcuffed and detained. She initially said the incident last approximately seven minutes, then said it went on for approximately twenty minutes prior to a shot being fired.

> **IAB Note:** For further details, refer to the Homicide investigator's summary **Exhibit A, pages 15-17** and Witness [redacted]transcribed Homicide interview.

On May 19, 2013, at approximately 0100 hours, Sheriff's Homicide Detective Todd Anderson and Century OSS Detective Jesse Urrita interviewed [redacted] Also present were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

Witness [redacted]s Suspect Laffitte's[redacted]. On the night of this incident, she was inside the residence feeding [redacted]when she heard a loud "ruckus" and screaming outside. She went to a side door to see what was occurring. She was the first person to go outside and was standing on the porch. She saw two deputies on the ground next to a shed struggling and attempting to handcuff her [redacted] She saw the deputies striking her [redacted]umerous times with their hands and elbows. A deputy, identified as Deputy [redacted]had her [redacted]n a headlock, was pointing his gun at everyone and telling them to



[redacted] had her [redacted] in a headlock, was pointing his gun at everyone and telling them to get back. The second deputy, identified as Deputy Barrios, was on her [redacted] back struggling with him. Her [redacted] was laying on his belly.

Witness [redacted] Witness [redacted] and other family members came outside and were yelling at the deputies to stop. Her [redacted] moved toward Deputy [redacted] and he kicked her in the stomach. She denied that anyone in her family had gotten close to the deputies or tried to pull the deputies off of her [redacted]. She then claimed that all of her family members were cooperative and calmly telling the police to stop. She believed she saw her [redacted] hands behind his back but could not see if he was handcuffed. She was standing on the rear porch when she heard two gunshots. She saw Deputy Barrios with his firearm pointed at her [redacted] legs. She believed that he fired both shots. After the shots were fired, she ran inside the house and did not see anything else that occurred outside.

The area near the shed where the deputies were struggling with her [redacted] was approximately five to six feet wide and very dark, with little to no light. Witness [redacted] claimed that her [redacted] had medical issues such as high blood sugar, diabetes and knee problems.

She claimed that her [redacted] was not a drug user, never fought with the police, and did not know if he had drugs on him during this incident.

Witness [redacted] said her [redacted] Witness [redacted] and his [redacted] Witness [redacted] had also came outside during the incident. Witness [redacted] and his [redacted] Witness [redacted] never came outside but saw what was occurring from a doorway. Witness [redacted] had run back inside prior to the shots being fired. She claimed the incident last between ten to twenty minutes.

> **<u>IAB Note:</u>** For further details, refer to the Homicide investigator's summary in **Exhibit A, pages 13-15** and Witness [redacted] transcribed Homicide Bureau interview.

> **<u>IAB Note:</u>** Witnes[redacted] called 9-1-1 during the incident. The audio recording is contained in a **CD in Exhibit C**.

On May 19, 2013, at approximately 0330 hours, Sheriff's Homicide Detective Todd Anderson and Century OSS Jesse Urrita interviewed [redacted] Also present were Deputy District Attorneys Jason Lustig, Oscar Plascencia and District Attorney Investigator Lawrence Dimmick. The interview took place at the Century Sheriff's Station and was digitally recorded for review. The following is a summary of that interview.

At the time of this incident, Witness [redacted] frequently stayed at the house on Miramonte with [redacted] Witness [redacted] She was in the living room with [redacted] when she heard Suspect Laffitte ride his bike into the driveway. She saw deputies exit their patrol car and follow him down the driveway on foot.

She heard what sounded like fighting along the side of the house. The sound ended up near the backyard area. She heard people yelling "get off of him" and "get back or I'll shoot." She did not go outside but she went to a window and looked outside. She saw two deputies on top of Suspect Laffitte. From her location she could only see the deputies and Suspect Laffitte. She heard family members yelling at the deputies. One deputy, determined to be Deputy Barrios, was on top of Suspect. The other deputy, determined to be Deputy [redacted] was pointing his firearm in the direction of family members.

She never saw any of the family members come back into the house, so she assumed they remained outside. Witness [redacted] was inside the house with her the entire time. She never heard any gunshots. She said the fighting lasted approximately seven to eight minutes then police officers came inside the house and detained everyone. Witness [redacted] knew Suspect Laffitte had been in trouble in the past for fighting with the police, so she could not understand why he fought with them during this incident. In **Exhibit A, page 102**, there is a [redacted], reflected on Suspect Laffitte's Consolidated Criminal History Reporting System (CCHRS) printout. That charged was dismissed.

> **<u>IAB Note:</u>** For further details, refer to the Homicide investigator's summary in **Exhibit A, pages 19-20** and Witness [redacted] transcribed Homicide Bureau interview.

> **<u>IAB Note:</u>** Witnesses [redacted] and [redacted] claimed that they attempted to record the incident via cellphones. Witness [redacted] claimed his cellphone was taken by deputies and broken. Per Homicide Detective Bernstein all phones were taken and examined. There was no video of the incident discovered and no broken cell phone was located in the crime scene.

> **<u>IAB Note:</u>** On October 29, 2014 and November 3, 2014 this IAB investigator made telephonic attempts to re-contact the above civilian witnesses for interviews (Dictaphone job #'s 43388, 43389). On November 3, 2014, this IAB investigator received a call from Attorney Wayne Higgins [redacted], representing [redacted] and all of the family members [redacted]. Due to an on-going civil trial, the family would not submit to being interviewed by IAB investigators. At the time this case was submitted, there had not been any civil depositions conducted. Witnesses [redacted] and [redacted] did not return IAB investigators telephone calls and could not be located.

<u>SUSPECTS STATEMENTS</u>

Not applicable.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
SHARON J. MATSUMOTO • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

December 5, 2013

Captain Duane Harris
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #13-0350
L.A.S.D. File #013-07722-2171-013

Dear Captain Harris:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the May 18, 2013, fatal shooting of Terry Laffitte by Los Angeles County Sheriff's Department (LASD) Deputies Oscar Barrios and [redacted] We have concluded that Deputies Barrios and [redacted] acted lawfully in self-defense and defense of others.

The District Attorney Command Center was notified of the shooting at approximately 10:27 p.m., on May 18, 2013. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Supervising Investigator Larry Dimmick, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, analyzed evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by LASD Homicide Bureau Detective Angus Ferguson. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On May 18, 2013, at approximately 9:10 p.m., LASD Deputies Oscar Barrios and [redacted] were on uniformed patrol in a marked patrol car driving east on 60th Street approaching Miramonte Avenue in the Florence/Firestone area of Los Angeles County. They saw Terry Laffitte riding a bicycle without lights south on Miramonte Avenue from 60th Street. Deputy Barrios turned south on 60th Street to follow Laffitte. When the deputies shined the patrol car's spotlights at him, Laffitte looked at the patrol car, swerved east in front of the deputies and continued riding south in the northbound lanes of Miramonte Avenue. Ignoring the deputies'

orders to stop, Laffitte continued riding south to [redacted] Miramonte Avenue where he turned into the driveway of his residence. The deputies stopped in the driveway apron, exited the patrol car and followed Laffitte down the driveway. While riding down the driveway, Laffitte collided into a parked car and fell. He picked up the bicycle and staggered to the rear of the residence where the deputies tried to detain him. Laffitte appeared to be intoxicated.

When Deputy Barrios walked up to him, Laffitte turned and punched Barrios in the chin, knocking him backwards. Deputy [redacted] stepped forward and punched Laffitte once in the face. [redacted] blow had no apparent effect on Laffitte who grabbed both deputies in a bear hug, causing all three to fall to the ground.[1] While on the ground, Laffitte ignored the deputies' orders to stop resisting and physically resisted their efforts to handcuff him. During the struggle, several of Laffitte's family members exited the residence and began yelling profanities at the deputies. [redacted] tried to place a choke hold on Laffitte. Barrios hit Laffitte in the legs several times with a small baton known as a "sap." At the same time, [redacted] pointed his service weapon at the hostile individuals from the residence to keep them away. Barrios put his sap back in his pocket, removed his service weapon and ordered the residents to step back at gunpoint. While Laffitte was on his hands and knees trying to stand, he grabbed [redacted] pistol. [redacted] yelled that Laffitte was trying to take his gun. After a brief struggle, [redacted] regained control of the firearm. During the struggle, a male grabbed [redacted] from behind and a female kicked him in the shoulder. In response, [redacted] kicked the female in the stomach, knocking her through a doorway. Barrios felt someone push his back several times.

Barrios managed to get Laffitte's left hand behind his back and attached a handcuff. While trying to control Laffitte's right hand, Barrios saw a gun in Laffitte's left hand. Barrios yelled several times, "He's got a gun! He's going to shoot!"[2] In fear for their lives, [redacted] fired one round into Laffitte's head and Barrios fired one round into the rear of his right leg.[3] Laffitte dropped the gun and the deputies handcuffed him. Once Laffitte was handcuffed, [redacted] saw the revolver on the ground next to him.[4] Barrios saw one of the males from the residence moving toward the gun. Barrios ordered the male to step away, picked up the gun and put it in his pocket for safekeeping. Shortly thereafter, Barrios gave the gun to a responding sergeant. The struggle with Laffitte lasted about four minutes.

At 9:30 p.m., paramedics pronounced Laffitte dead at the scene. On May 21, 2013, Los Angeles County Deputy Medical Examiner Jeffrey Gutstadt performed a postmortem examination of Laffitte's remains and determined the cause of death to be two gunshot wounds to the head and right leg. His blood showed evidence of relatively recent marijuana consumption and an alcohol level of approximately .07 percent. His blood also contained therapeutic levels of tramadol, a

[1] Laffitte was 49 years old, 6'1" tall and weighed 361 pounds, according to the Coroner's Report.
[2] Responding to the primary deputies' request for assistance, Deputies Martinez and Gomez saw the two deputies wrestling with Laffitte on the ground. They heard someone yell, "Gun, gun, gun!" followed by two to three gunshots.
[3] The deputies were armed with Beretta, model 92Fs, 9mm semiautomatic pistols.
[4] Laffitte was armed with an unloaded, Smith & Wesson, model 38, .38 special caliber revolver. An LASD firearms examiner determined the gun to be functional. [redacted]

narcotic-like pain reliever, and cyclobenzaprine, a muscle relaxant pain reliever sold under the brand name Flexeril. At the scene, a coroner's investigator recovered a loaded, black plastic BB handgun from the front pouch pocket of Laffitte's sweatshirt. Near Laffitte's bicycle, investigators recovered a small baggie of marijuana. In his shorts pocket, Laffitte had a portion of a nylon stocking, commonly used as a disguise by criminals.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. Penal Code § 197; *People v. Randle* (2005) 35 Cal.4th 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal.4th 1172, 1201); *People v. Humphrey* (1996) 13 Cal.4th 1073, 1082; *see also*, CALCRIM No. 505.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

"When the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety." *People v. Collins* (1961) 189 Cal.App.2d 575.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that Deputies Barrios and [redacted] attempted to contact Laffitte regarding a traffic violation. Laffitte ignored the deputies' orders to stop and instead rode his bicycle on the wrong side of the street to his residence. When the deputies tried to detain him, Laffitte punched Barrios, then grabbed the deputies and brought them to the ground. He ignored the deputies' orders to put his hands behind his back and physically resisted their attempts to handcuff him. When Laffitte momentarily grabbed [redacted]s pistol and the verbally abusive residents began pushing and pulling them, the danger to the deputies escalated significantly. When Barrios saw the revolver in Laffitte's hand, he reasonably believed that Laffitte intended to shoot them and warned his partner. In imminent fear of great bodily injury

or death to themselves and each other, Barrios and [redacted] each fired one round from their service weapons, striking Laffitte in the leg and head, respectively, ending the threat.

The deputies had no way of knowing that Laffitte's revolver was unloaded. Their belief that Laffitte was about to shoot them was eminently reasonably. Legally justified self-defense does not require that the danger actually existed. CALCRIM No. 3470.

Given the rapidly evolving, life threatening situation that confronted Deputies Barrios and [redacted], we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

JACKIE LACEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney

[redacted]

c: Deputy Oscar Barrios, #[redacted]
Deputy [redacted], #[redacted]

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: November 24, 2014

FROM: STEPHEN JOHNSON, COMMANDER
CENTRAL PATROL DIVISION

TO: DONNIE MAULDIN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	SH2334807 / [redacted]
Incident:	Hit Shooting / Use of Force
Incident Date:	May 18, 2013
Unit:	Century Station
Suspects:	Laffitte, Terry MB 10/10/63
Involved Employees:	Deputy Oscar Barrios [redacted] Deputy [redacted]
EFRC Date:	November 20, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Ralph Webb, and Patrick Maxwell met and reviewed the above case.

FINDINGS:

The EFRC determined the force and tactics used against the suspect was within Department policy.

RECOMMENDATIONS:

The EFRC recommended the Los Angeles County Sheriff's Department purchase enough Tasers to equip all patrol personnel assigned to Century Station.

SBJ:RFI:rfi